

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

Translation

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

P 22345/PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/001407

International filing date (day/month/year)

14.02.2004

Priority date (day/month/year)

24.04.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

FESTO AG & CO

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
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International application No.

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

- a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

- b. format of material

☐

in written format

☐

in computer readable form

- c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. II

Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-21	YES
	Claims		NO
Inventive step (IS)	Claims	1-21	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims		NO

2. Citations and explanations:

- 1 The present report makes reference to the following documents:
- D1: GB 1 289 957 A (FESTO) 20 September 1972 (1972-09-20)
- D2: US 3 688 646 A (FLICK FRANCIS S ET AL) 5 September 1972 (1972-09-05)
- D3: EP 0 994 260 A (TAIYO TEKKO KK) 19 April 2000 (2000-04-19)
- D4: US 3 429 234 A (TAYLOR JOHN J) 25 February 1969 (1969-02-25)

- 2 D1 is considered the closest prior art. It discloses (parenthetical reference numbers refer to this document):

a fastening element for the pivotal mounting of a working cylinder (1), comprising a base area (26), which has fastening means for the fastening thereof to a supporting structure (27) and from which two fastening arms (30,31) project, which are situated opposite and at a distance from one another, whereby said fastening arms (30,31) are fitted with mounting means (28) for a pivotal mounting engagement on opposing sides of the outer periphery of the working cylinder (1).

The subject matter of the independent claim 1 is distinguishable herefrom in that:

the fastening element is suitable for the variable pivotal and/or fixed mounting of a working cylinder, and the base section is also provided with mounting means for additional mounting engagement on the working cylinder (1), said mounting engagement, when required, also positively engaging on the face.

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

- 2.1 The subject matter of claim 1 is therefore novel (PCT Article 33(2)).
The problem with which the invention is concerned can thus be considered that of providing a universal fastening capability for a working cylinder which can be variably adapted for different types of fixation.
- 2.2 Claim 1 satisfies the PCT requirements for novelty, inventive step, and industrial applicability under PCT Article 33(2) to 33(4).
The subject matter of claim 1 is novel in view of the fact that none of the references cited in the search report or the introduction to the description sets forth the features of the independent claim 1 in their entirety. Furthermore, the subject matter of claim 1 also involves an inventive step since the features of the characterizing part of claim 1 are not anticipated by any available document.
3. INDUSTRIAL APPLICABILITY
- The subject matter of claims 1-21 can be made and used and is therefore industrially applicable.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

4. Independent claim 1 has not been drafted in the two-part form provided under PCT Rule 6.3(b). However, this form appears appropriate in this case. Accordingly, the features known in combination from the prior art (D1) belong in the preamble (PCT Rule 6.3(b)(i)), and the other features belong in the characterizing part (PCT Rule 6.3(b)(ii)).